

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 70 of 2006

MOHAMMED SAFI & ANR
V/S
LRS OF RATAN LAL & ORS

Mr. SAJJAN SINGH, for the appellant / petitioner

Mr. MC BHOOT, for the respondent

Date of Order : 3.7.2006

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the parties.

Perused the impugned judgments. Learned counsel also read to me the written statement, and the statement of P.W.1. Even after reconsidering all this, in my view, the findings of fact recorded by the learned courts below on the questions of reasonable and bonafide necessity of the plaintiff, comparative hardship, and partial eviction etc. are not vitiated on any of the grounds, so as to enable me to conclude the appeal to be involving any substantial question of law. Thus, the appeal does not involve any substantial question of law. The same has no force, and is, therefore, dismissed.

It is agreed by both the learned counsel that the appellants may be granted time upto 31.3.2007 to vacate the

premises. Accordingly, the appellants are given time upto 31.3.2007 to vacate the suit premises on the condition that the defendants give an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, they will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this period, they will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the appellants in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellants fail to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA), J.

/Sushil/